

Message Text

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C O N F I D E N T I A L STATE 205730

NODIS
CHEROKEE

E.O. 11652: XGDS-3

TAGS: PGOV, KS, US

SUBJECT: CONSTRUCTION OF QUESTIONNAIRES FOR KIM DONG-JO

REF: SEOUL 7137

1. WE RECOGNIZE YOUR CONCERNS THAT CONGRESSIONAL QUESTIONNAIRES BE SO CONSTRUCTED AS TO MAXIMIZE PROSPECTS FOR FULLY RESPONSIVE ANSWERS FROM FORMER AMBASSADOR KIM DONG-JO. WE ARE GLAD THAT YOU FEEL THE SENATE QUESTIONS WERE DESIGNED TO DO JUST THAT. HOWEVER, WASHINGTON POST STORY AUGUST 11 CARRIED FOLLOWING MOST UNHELPFUL STATEMENT: QUOTE THE SENATE COMMITTEE ALSO PLANS TO SUBMIT QUESTIONS TO KIM, STEVENSON SAID, THOUGH -- UNLIKE THE HOUSE -- IT HAS NO INDICATION HE GAVE MONEY TO SENATORS. UNQUOTE. THUS THE GREATER SPECIFICITY OF THE QUESTIONS IS UNLIKELY, IN ITSELF, TO GENERATE THE ADDITIONAL LEVERAGE WE DESIRE.

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2. BOTH OF THE MAJOR CONSIDERATIONS AND RECOMMENDATIONS IN REFTTEL WERE DISCUSSED AT LENGTH BY EA WITH HOUSE ETHICS COMMITTEE STAFF OVER PERIOD OF TWO WEEKS PRIOR TO OUR RECEIPT OF THE FINAL QUESTIONNAIRE. THIS WAS DONE BASED ON YOUR PREVIOUS MESSAGES, YOUR TELECON WITH NIELDS, AND OUR ACCUMULATED INSIGHTS HERE. SIMILAR APPROACH WAS TAKEN

BY JUSTICE DEPARTMENT (MICHEL) IN LENGTHY DISCUSSION WITH NIELDS LAST WEEK. WE KNOW THESE VIEWS WERE TAKEN CAREFULLY INTO CONSIDERATION BY THOSE PREPARING THE HOUSE ETHICS COMMITTEE QUESTIONNAIRE. UNFORTUNATELY, THEY CONCLUDED FOR REASONS EXPLAINED OUR 202919 THAT GREATER SPECIFICITY WAS UNWISE. THE HANDLING OF ALLEGED INCIDENTS ON WHICH TESTIMONY HAS ALREADY BEEN GIVEN WAS ALSO DETERMINED AFTER CAREFUL CONSIDERATION, AND WAS DESIGNED TO EMPHASIZE THAT INFORMATION BEYOND THESE ALLEGATIONS IS BEING SOUGHT, RATHER THAN MERELY AN "EXPLANATION" OF WHAT HAS BEEN SAID BY OTHERS.

3. NOW THAT THE QUESTIONS HAVE BEEN FORMALLY TRANSMITTED TO THE DEPARTMENT BY THE COMMITTEE FOR TRANSMITTAL TO THE ROKG, WE DO NOT BELIEVE IT APPROPRIATE TO PRESS THIS ISSUE FURTHER. THE COMMITTEE, NOT THE DEPARTMENT, IS ULTIMATELY RESPONSIBLE FOR THE MANAGEMENT OF THE ACTUAL INQUIRY.

4. IN SOME RESPECTS THE HOUSE MATERIAL CAN BE CONSIDERED EVEN MORE SPECIFIC AND LIMITED THAN THE SENATE MATERIAL IF, IN ADDITION TO THE ACTUAL QUESTIONNAIRE, ONE CONSIDERS THE PROVISION BY THE HOUSE OF A LIMITED LIST OF THE CONGRESSMEN UNDER SUSPICION (STATE 204800). FROM CONVERSATION HERE MONDAY WITH ROK EMBASSY COUNSELOR PARK IT IS CLEAR THAT THE IMPLICATIONS OF THAT CONFIDENTIAL

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LIST ARE NOT LOST ON ROKG. SO OBVIOUSLY DELETING NAMES LINKED TO KOREAN INDIVIDUALS OTHER THAN KIM DONG-JO SHOULD INDICATE THE HIGH DEGREE OF SPECIFICITY OF INFORMATION AVAILABLE TO THE COMMITTEE INVESTIGATORS AS WELL AS REAFFIRM THAT THE INVESTIGATION WILL NOT PRESS ON TO FURTHER DEMANDS ON THE ROKG FOLLOWING KIM DONG-JO'S COOPERATION.

5. EVEN ASIDE FROM THE QUESTION OF PRINCIPLE REGARDING WHETHER WE WISH TO TAKE ISSUE AFTER THE FACT WITH THE FORMULATION OF THE QUESTIONS RECEIVED, THIS WOULD NOT BE PRACTICAL WITHOUT SIGNIFICANT IRRITATION ON THE HILL. IT WOULD BE NECESSARY PERSONALLY TO ENGAGE THE INVOLVEMENT OF ETHICS COMMITTEE CHIEF OF STAFF JOHN NIELDS, WHO IS OUT OF THE CITY ON VACATION THIS WEEK FOLLOWING THE DELIVERY OF THE FINISHED MATERIAL TO THE DEPARTMENT AUGUST 12. WE WOULD HAVE TO SEEK HIS RETURN TO WASHINGTON, ONLY TO REENGAGE ISSUES ALREADY DISCUSSED EARLIER.

6. WHILE WE SHARE YOUR CONCERN THAT EVERYTHING POSSIBLE BE DONE TO ENSURE A SUCCESSFUL OUTCOME, WE DO NOT

BELIEVE A FURTHER APPROACH TO NIELDS IS WARRANTED UNDER

THESE CIRCUMSTANCES. YOUR PRESENTATION OF THE
MATERIAL TO ROKG SHOULD ADD WEIGHT TO THE EFFORTS MADE
BY THE COMMITTEE STAFF, BOTH IN DRAFTING THE QUESTIONS
AND FOLLOWING UP WITH COUNSELOR PARK (PARA 4 ABOVE),
TO SEE THAT ROKG AND KIM HIMSELF UNDERSTAND THE NEED TO
SUPPLY SOLID EVIDENCE REGARDING KIM'S CONGRESSIONAL
ACTIVITIES. CHRISTOPHER

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